

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

**BARRY ROSEMAN, M.D. and SUSAN
ROSEMAN, individually and on behalf
of their minor son, S.R.,**

Plaintiffs,

v.

**HANK LEE'S MAGIC FACTORY II,
INC., d/b/a HANK LEE'S MAGIC
FACTORY, and THE PROP CLOSET,
LLC, d/b/a THEATRE EFFECTS, and
HARRY LEVY,**

Defendants.

**Civil Action No. 3:09-CV-299
JURY TRIAL DEMANDED**

THIRD AGREED ORDER AMENDING SCHEDULING ORDER

The parties, through counsel, having moved the Court to amend its Scheduling Order [Doc. 22] as follows:

- extend the deadline for taking discovery depositions from July 16, 2010 until August 13, 2010 to accommodate one fact witness deposition;
- extend the Daubert motion deadline from July 21, 2010 until August 6, 2010;
- extend time to respond to Daubert motions from July 27, 2010 until August 11, 2010;
- re-schedule any Daubert hearing from July 29, 2010 until August 12, 2010 to begin at 9:30 a.m.;
- Agreed Pre-Trial Order is due August 12, 2010;
- Initial Pre-Trial Conference is scheduled for August 12, 2010.

Additionally, at the request of the Court and by agreement of the parties, counsel for Plaintiffs will contact the Court on July 30, 2010 to provide a brief status report as to the

results of the mediation scheduled to take place on July 29, 2010. If the mediation ultimately resolves all of the remaining issues, all parties will participate in a joint minor settlement approval hearing on August 12, 2010 to begin at 9:30 a.m.; however, if mediation does not resolve the issues between the Plaintiffs and The Prop Closet, a minor settlement approval hearing will take place on August 5, 2010 to begin at 9:30 a.m. in regard to the settlement reached between the Plaintiffs and Defendants, Hank Lee's Magic Factory and Harry Levy. The deadline for any stipulations of dismissal will be August 12, 2010.

All parties having thereby agreed to the proposed amendment, and all counsel having agreed that such an extension of the deadline for discovery will not prejudice their ability to prepare this case for trial, as scheduled;

THE COURT FINDS that the Scheduling Order [Doc. 22] should be amended as stated above.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

APPROVED:

s/ Stephanie Coleman (w/ permission by JWB)
David E. Waite (BPR #014204)
dewaite@robertsonoverbey.com
Stephanie Coleman (BPR #027124)
scoleman@robertsonoverbey.com
Robertson, Overbey, Wilson & Beeler
703 Riverview Tower
900 S. Gay Street
Knoxville, TN 37902-1823
(865) 521-3013

Attorneys for Plaintiffs

s/ Joseph W. Ballard

Deborah C. Stevens (BPR #007241)

dstevens@lewisking.com

Joseph W. Ballard (BPR #023490)

jballard@lewisking.com

Lewis, King, Krieg & Waldrop, P.C.

P. O. Box 2425

Knoxville, TN 37901

(865) 546-4646

Attorneys for Defendant

The Prop Closet, LLC

s/ David Chapman

Dana Holloway (BPR # 013275)

David Chapman (BPR #026238)

Attorneys for Defendant Hank Lee's Magic

Factory II, Inc. and Harry Levy

180 Market Place Blvd.

Knoxville, TN 37922

Tel: (865) 523-0404

Fax: (865) 673-0260